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## EVALUATOR MANUAL TRANSMITTAL SHEET

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**Distribution:**

- ☐ All Child Care Evaluator Manual Holders  
☐ All Residential Care Evaluator Manual Holders  
☒ All Evaluator Manual Holders

**Transmittal No.**  
**11 RM-11****Date Issued**

December 2011

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**Subject:**

Reference Material – Application

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**Reason for Change:**

Application – Updates to pages 68 through 71 and 143 though 145

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**Filing Instructions:**

REMOVE – Application – pages 68 through 71, and 143 through 145

INSERT – Application – pages 68 through 71, and 143 through 145

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**Approved:**

***ORIGINAL DOCUMENT SIGNED BY***  
***Thomas Stahl, Chief***

***December 23, 2011***

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**THOMAS STAHL, Chief**  
Policy Development Bureau  
Community Care Licensing Division

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Date

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**3-0272 B 11 LIST OF FURNITURE AND/OR PLAY EQUIPMENT  
(CHILD CARE ONLY) (Continued)****3-0272**

Toys and equipment used must be age appropriate. (This is determined by the age of the children being served versus the size, weight, height, durability, etc. of the toy/equipment. Additionally, the manufacturer often designates appropriate age of the child on the box or literature that accompanies the product.)

[California Code of Regulations Sections: 101439(g)/101439(c)]

Program appropriate (infant only).

[California Code of Regulations Section: 101439(b)]

Cribs for infants.

[California Code of Regulations Section:101439.1(b)]

Cot or mat for each child.

[California Code of Regulations Sections:101339.1(b)/101439.1(c)]

**NO OTHER EQUIPMENT IS SPECIFICALLY REQUIRED.****3-0274 B 12 CONTROL OF PROPERTY****3-0274**

It is necessary for the licensing agency to determine that the applicant has control over the property that is being or is to be used as a facility. Once licensed, the licensee must be able to ensure that the facility and grounds are maintained and are in compliance with regulations (i.e., repairs made to the physical plant, fences around swimming pools, etc.).

Name and address of the owner must be provided. [California Code of Regulations sections: 101169(c)(3)/80018(c)(3)/87218(a)(6)]

Evidence of control of property should include one of the following:

- I. A copy of the executed lease agreement or rental agreement between the property owner and the applicant must be provided. (There are no requirements related to length of the lease or rental agreement.)

If the agreement precludes the use of the property as a facility, it prevents the applicant from achieving compliance with regulations, or the operation of a facility is contrary to the terms of the agreement, the application must be denied/withdrawn as the applicant would not have adequate control over the property (i.e., the agreement states that Susie and Mary are to be the persons residing in the house and anyone else needs to be approved, the agreement states the property cannot be used for business purposes and the applicant wishes to operate a facility for more than six persons).

**3-0274 B 12 CONTROL OF PROPERTY (Continued)****3-0274**

- II.** Proof of ownership must be provided if the applicant is the owner of the property.

Refer to question 29 on the 401a for the applicant's response. Ownership may be verified by a Deed or Property Tax bill. If the applicant is purchasing the property and it is federally insured, the mortgagor's name and loan balance should appear on the credit report.

- III.** A court order or similar document which shows the applicant's authority to control the property pending outcome of a probate proceeding or an estate settlement.

For additional information on control of property related to adult and senior care facilities please see Evaluator Manual, Reference Material, section 1-0090 entitled Foreclosure, Bankruptcy and Control of Property in Adult and Senior Care Facilities.

**3-0276 B 13 BACTERIAL ANALYSIS OF WATER****3-0276**

This is required for all categories at initial licensure if water for consumption is from a private source, regardless of the number of clients served. Submit evidence of on-site inspection of the source of the water and a bacteriological analysis by a local or State health department or other qualified laboratory which establishes the safety of the water. If the analysis provided gives only a chemical/bacterio-logical analysis and not a specific statement as to whether or not the water is safe to drink, request that the applicant get such a statement from the laboratory.

[California Code of Regulations Sections:  
101172(a)(1)/80021(a)(1)/87691(e)(1)(A)]

This analysis must be signed by an appropriate qualified agency representative.

**3-0278 OTHER INFORMATION REQUIRED BY STATUTE OR REGULATION****3-0278****RESIDENTIAL CARE FACILITIES FOR THE ELDERLY ONLY**

Insurance Information. A statement concerning whether or not there will be insurance covering the facility operation. If there is insurance coverage, what type of coverage and with whom. If there is no insurance coverage, a statement of such is sufficient.

[California Code of Regulations Sections: 87218(a)(14)]

Theft and Loss Policy. This policy shall include the provisions for inventory of personal property at the time of admission, modification of the inventory,

**3-0278 OTHER INFORMATION REQUIRED BY STATUTE OR REGULATION (Continued)****3-0278**

practices used to safeguard personal property upon the death of a resident, documentation and reporting of loss of personal property, method for marking personal property, and method for providing a secure area for safekeeping of resident personal property.

[Health & Safety Code Sections 1569.152 and 1569.153]

Forty Hour Certification Program. All new applicants and administrators must successfully complete the 40-hour Certification Program from an approved vendor. A Department issued certificate of completion of the program or proof of enrollment in the next available 40-hour program must be submitted prior to licensure.

[California Code of Regulations Sections: 87218(a)(2) and (9)]

**APPLIES ONLY TO NON-RESIDENT COMMUNITY CARE FACILITIES OR RESIDENTIAL CARE FACILITIES FOR THE ELDERLY WITH A LICENSED CAPACITY OF SIX OR FEWER.**

Neighborhood Complaint Policy. Facilities with nonresident owners shall establish procedures for immediate response to incidents and complaints. The procedures must include a time when the owner, licensee or designee will be available to meet with neighborhood residents.

[Health & Safety Code Sections 1524.5 and 1569.175]

**3-0279 GROUP HOME PROGRAM STATEMENT****3-0279****FOR GROUP HOMES ONLY**

Background: Welfare and Institutions Code, Sections 11467(a) and (b) mandate the Department to develop a standardized group home program statement for rate setting, community care licensing, and county placement purposes. The requirement for this standardized document ensures that the applicant submits the same information to the Foster Care Rate Setting Bureau, Community Care Licensing and county placement agencies.

**PROCESSING THE GROUP HOME PROGRAM STATEMENT**

Effective October 1, 1993, all group home applicants are required to complete the Group Home Program Statement (GHPS-LIC 9106) which is the approved statewide format for developing the plan of operation for group homes (Reference: California Code of Regulations, Sections 80022 and 84022). The LIC 9106 lists the required documents and other information that must be completed to meet the plan of operation requirements. Please use the LIC 9106 as a reference.

**3-0279 GROUP HOME PROGRAM STATEMENT (Continued)****3-0279**

Please note that existing group home licensees that do not make changes to their plan of operation or submit a request for a rate change (either increase or decrease) are not required to submit an LIC 9106 at this time. Eventually, existing group home licensees will be required to update their group home plan of operation. By July 1, 1994, the plan is to require all group home facilities to describe their plan of operation using the new document.

The LIC 9106 is divided into three parts:

PART I. Identifies the group home program and specified why the group home program statement is being submitted, e.g., initial license, initial rate request, existing group home program is being changed.

PART II. Identifies the type of children the group home will accept and types and levels of structure, supervision and services provided.

PART III. Directs the group home applicants to provide specific program information in a narrative format. As stated above, this is the statewide consistent format that applicants are mandated to use to submit the group home plan of operation information. However, it is important to note that applicants have the option of using existing licensing forms to provide the required information. For example, the applicant can use the LIC 500 to provide personnel information.

1. Some of the information required to be completed in PART III of the LIC 9106 is also required under the COMPONENT I – SECTION A OR SECTION B GUIDELINES for all community care facilities. If a requirement is listed in both places – the LIC 9106 and the COMPONENT I ORIENTATION – SECTION A OR SECTION B GUIDELINES, the applicant shall only be required to comply with the requirements listed in LIC 9106.
2. Most requirements are listed only in COMPONENT I ORIENTATION – SECTION A OR SECTION B GUIDELINES. If the requirements are not listed in both places, (PART III of the LIC 9106 and under the COMPONENT I ORIENTATION – SECTION A OR SECTION B GUIDELINES) the group home applicant shall comply with the requirements specified in COMPONENT I SECTION A or SECTION B GUIDELINES.

**3-0962 CONTINUING CARE CONTRACTS BRANCH (Continued)****3-0962**

When the Regional Office staff is evaluating a residential care facility for the elderly application involving continuing care, close coordination is necessary with the Continuing Care Contracts Branch staff. Responsibility for reviewing and approving certain parts of the residential care facility for the elderly application, such as contract language and financial solvency, is assigned to the Continuing Care Contracts Branch. Regional Office staff are encouraged to call the Continuing Care Contracts Branch if they have any questions or problems, or if they receive additional significant information impacting the project. Questions from prospective residents, the media, etc. should be directed to the Continuing Care Contracts Branch.

The Continuing Care Contracts Branch will send green "Continuing Care Retirement Communities Status Sheets" to Regional Offices providing the name of the Continuing Care Contracts Branch analyst assigned to the project, his/her telephone number, and the status of the facility (i.e., application, permit to accept deposits issued, provisional or final certificate of authority issued). This status sheet shall be placed in the case file so that the facility is readily identifiable as a Continuing Care Retirement Community. If a status sheet is received and an application has not yet been received in the Regional Office, call the Continuing Care Contracts Branch analyst immediately.

**3-0963 PRELIMINARY APPROVAL****3-0963**

The case file should be set up just as any other residential care facility application. The application may pend for five years, but will not be considered an overdue application for statistical purposes.

Because residential care facilities for the elderly applications involving preliminary approval are submitted during the developmental stages of a continuing care contract project, the initial application constitutes an abbreviated residential care facility for the elderly application, which contains only limited information. The application which meets the criteria in this guideline should not be returned as incomplete. Additional information will be received prior to licensure to fully comply with all residential care facilities for the elderly licensing requirements.

An application for Preliminary Approval is considered complete when all the following have occurred:

1. A facility representative has attended part one (the all-day session) of the residential care facility for the elderly orientation.
2. The following documents have been submitted and found to be **complete** by the Regional Office:
  - a. Residential Care Facility for the Elderly application (LIC 200). One

**3-0963 PRELIMINARY APPROVAL (Continued)****3-0963**

indicator of possible denial of an initial application is an unacceptable record with other already licensed facilities. The analyst shall check for information about the performance of other facilities licensed to the applicant, prior to issuing the Preliminary Approval.

- b. Applicant Information (LIC 215).
- c. Administrative Organization (LIC 309).
- d. Partnership Agreement/Articles of Incorporation. A copy of the partnership agreement if the applicant is a partnership. If the applicant is a limited partnership, a copy of the Certificate of Limited Partnership filed with the Secretary of State Seal, and a copy of the by-laws if the applicant is a corporation.
- e. A general overview of the program philosophies, goals, persons accepted for care, basic and optional services and activities in the program, etc. This may be brief at this preliminary state, but shall be revised/completed to meet the requirements of all “Section B” during the final months of the application process.
- f. Proposed continuing care contract. The continuing care contract takes the place of an admission agreement. The Continuing Care Contracts Branch is responsible for review of this contract.
- g. An 8-1/2 x 11” sketch of the facility physical plant and site plan. The Regional Office is responsible for submitting the sketch or blueprint and site plan to the appropriate fire inspector for determination of whether the facility conforms to fire safety standards for residential care facilities for the elderly. The request for plan review will be transmitted on a Fire Clearance Request (STD 850) form. It must be stated on the form that construction is pending, which units are to be cleared for nonambulatory/bedridden use, and most importantly, that all areas of the facility premises, which are not covered by a health facility license, must meet fire safety standards for residential care facilities for the elderly licensure. All units must be appropriately fire cleared and licensed.

The decision to issue a Preliminary Approval shall not be delayed pending approval of a sketch, blueprint or plot plan by the fire inspector.

- h. Evidence of control of property. This may be in the form of a deed, ground lease, rental agreement, etc. A copy of any contract that may exist with a management company or facility operator must also be submitted. For

## 3-0963 PRELIMINARY APPROVAL (Continued)

3-0963

additional information on control of property for adult and senior care facilities please see Evaluator manual, Reference Material, section 1-0090 entitled Foreclosures, Bankruptcy and Control of Property in Adult and Senior Care Facilities.

- i. Documentation that fingerprints have been submitted for the applicant. If the Caregiver Background Check Bureau has informed the Regional Office that the applicant has a record of criminal convictions, follow procedures in [California Code of Regulation section: 87219]

The decision to issue a Preliminary Approval shall not be delayed pending receipt of criminal record information from the Department of Justice.

3. Residential care facilities for the elderly application fee has been paid.

When the application has been submitted, the Regional Office will determine whether the application is complete, if the applicant has demonstrated intent and ability to comply with residential care facilities for the elderly regulations, and whether to issue a Preliminary Approval. The Preliminary Approval will remain valid as long as the applicant holds a valid Permit to accept deposits for Continuing Care, until withdrawal of the permit, or until issuance or denial of the residential care facility license.

If the decision is to **Approve**:

- a. The Procedures Checklist for Residential Care Facilities for the Elderly Applications with Continuing Care Facilities is to be completed and placed in the case file. A copy is mailed to the Continuing Care Contracts Branch.
- b. The Preliminary Approval for Residential Care Facilities for the Elderly Applications with Continuing Care Contracts form is to be completed and issued to the applicant. It is the applicant's responsibility to submit this approval to the Continuing Care Contracts Branch. (However, a copy should be retained in the Regional Office case file.)

If the decision is to **Deny** (either before or after the issuance of the Preliminary Approval:

- a. Advise the applicant of the reason(s) for denial and right to appeal, as specified in [California Code of Regulations Section: 87340]
- b. A copy of the Procedures Checklist indicating denial and a copy of the denial letter is sent to the Continuing Care Contract Branch.